

REMARKS

On page 2 of the Office Action, the Examiner rejected claim 1 – 5, 7 – 20 and 25 under 35 U.S.C. §102(b) as being anticipated by IFM Electronic GMBH (DE 19927365). Applicants respectfully traverse this rejection in view of the claims as now presented and for the following reasons.

As disclosed in paragraph 10 of the description and on page 9 of the English translation of the reference, the sensor of the pump in the DE 19927365 reference comprises two limit value on-switches. The pump is activated if the fluid level reaches the first value on-switch. The alternating run of several pumps is achieved by a control in the way that the pump, for example, is activated only every second time when the fluid level reaches the first value on-switch. The second value on-switch is an emergency switch that activates that pump when reaching a higher fluid level. Nearly every submersible pump includes such emergency switch ensuring the start of the pump in case that the control for the normal run of the pump is not working correctly.

DE 19927365 clearly discloses that the value on-switches are arranged on predefined vertical positions. Consequently, the switching value corresponding to the fluid level at which the pump is activated is fixed by the vertical position of the switches. This means that the switching value corresponding to the fluid level at which the pump is activated is fixed by the vertical position of the switches. Accordingly, it appears that it is neither possible nor intended to change a switching value. Applicants respectfully submit that a change of the switching value would require a mechanical change of the position of the value on-switch.

In contrast, according to the independent claims, the switching value at which the pump is activated can be electronically changed to change the fluid level at which the pump is activated. This offers completely different possibilities to facilitate providing a completely automatic system for the alternating run of

several pumps in the same sump pump. For example, please note claim 3 of Applicants' invention, wherein this claimed method recites:

each pump subsequent to its running is firstly automatically blocked by changing its switching value at which the pump is switched on by the signal generator so that the same pump is prevented from being directly activated when again reaching the initial switching value, and depending on the running of the further pumps in the pump sump is released again, wherein a fluid level threshold value for each pump is reduced in steps by a predefined value after the running of a further pump.

On page 3 of the Office Action, the Examiner rejected claims 21 – 24 and 26 – 27 under 35 USC §103(a) as being unpatentable over IFM Electronic GMBH (DE19927365) in view of Mayer (U.S. 4,222,711). For the reasons discussed above relative to the DE 19927365, in view of the claims as now presented, and for at least the following reasons, Applicants believe claims 21 – 24 and 26 – 27 are not unpatentable over the cited references and should be allowed.

Mayer discloses an AC driven pump and a DC driven pump positioned in a sump and respectively energized as the liquid in the sump reaches two different levels, the DC driven pump being automatically tested for operation after every predetermined number of pumping cycles of the AC driven pump.

As with the DE 19927365 reference, Mayer fails to teach of, for example, the limitations of claim 21 wherein it provides:

A pump with a signal generator and a control for activating a pump with an initial switching value, wherein said control comprises a detector for detecting the operation of at least one pump in the same pump sump, a blocking function which blocks the pump by changing its switching value from said initial switching value to a second value and a release function

which changes said second switching valve to release the pump in response to the operation of further pumps;

wherein said pump comprises a level switch comprising a pressure sensor ; and

wherein said blocking function increases a threshold value of said level switch and the release function reduces the threshold value of said level switch.

On page 4 of the Office Action, the Examiner objected to claim 6 as being dependent upon a rejected base claim but indicated it would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicants have rewritten the claim as shown and believe it is now in condition for allowance and such allowance is respectfully requested.

For all the foregoing reasons and in view of the claims as now presented, Applicants believe all claims as now pending are not anticipated by the references cited by the Examiner, and accordingly, they should be allowed.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1287. Applicants hereby provide a general request for any extension of time which may be required at any time during the prosecution of the application. The Commissioner is also authorized to charge any fees which have not been previously paid for by check and which are required during the prosecution of this application to Deposit Account No. 50-1287. (Should Deposit Account No. 50-1287 be deficient, please charge any further deficiencies to Deposit Account No. 10-0220).

Applicants are filing concurrently herewith a Petition for one month extension of time to respond to the outstanding Office Action.

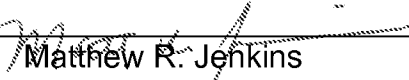
Applicant invites the Examiner to contact the undersigned via telephone with any questions or comments regarding this case.

APPLICANTS RESPECTFULLY REQUEST AN INTERVIEW WITH THE EXAMINER IF THE EXAMINER DOES NOT BELIEVE THIS AMENDMENT PLACES THE APPLICATION IN CONDITION FOR ALLOWANCE.

Reconsideration and favorable action are respectfully requested.

Respectfully submitted,

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